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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,566	12/21/2001	Eric J. Horvitz	MS177851.01/MSFTP954US	4018
27195 7590 06/04/2008 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER BOUTAIL, ALINA A				
ART UNIT 2143		PAPER NUMBER		
NOTIFICATION DATE 06/04/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/036,566

Applicant(s)

HORVITZ ET AL.

Examiner

ALINA N. BOUTAH

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 18, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37- 38, 41, 42, 46-47 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/14/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1, 18, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37- 38, 41, 42, 46-47 and 69.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed February 28, 2008. Claims 1, 18, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37- 38, 41, 42, 46-47 and 69 are pending in the present application.

Information Disclosure Statement

The information disclosure statement filed July 6, 2006 has been placed in the application file and considered.

It should be noted however, that the applicant has submitted an exorbitant amount of prior art on numerous PTO-1449's which, on initial consideration, do not all appear to have relevancy or pertinence to the instant invention as claimed. The applicant is requested in response to this office action to point out which of these numerous prior art are pertinent or relevant to the patentability of the invention as claimed in this instant application. It should be noted that it would be advantageous to the applicant to provide a concise explanation of why each of the prior art is being submitted and how it is understood to be relevant. "Concise explanations are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability." (See MPEP 609 under subheading "A. CONTENT"; and also 37 CFR 1.98(b)(5)).

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 18, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37-38, 41, 42, 46-47 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0156879 submitted by Delany et al. (hereinafter referred to as Delany) in view of US 2003/0139970 by Badura et al. (hereinafter referred to as Badura) in further view of USPN 6,671,695 in issued to McFadden.

Regarding claim 1, Delany teaches a computer-based system that facilitates optimizing utility of a communication, the system comprising:

a communication group manager that manages a group of communicating parties [figures 3, 5, 8-10, 26, abstract; 0360]; and

a group wise communication coordinator that coordinates communication between a subset of the managed group of communicating parties to facilitate maximizing the utility of the communication [figures 3, 5, 8-10, abstract].

However, although Delany discloses to facilitate optimizing the utility of the communication along a communication channel identified by the identifier communication along a communication channel, he fails to explicitly teach an identifier that identifies one or more communication channels that facilitates maximizing the utility of the communication, the utility of the communication based on a cost and benefit of the communication to a contactor and a contactee, the cost and benefit of the communication is related to one or more preferences of the contactor and the contactee. Badura teaches identifying one or more communication channels (different communication formats such as email, telephone, fax, etc. – see i.e. 0005) that facilitates maximizing the utility of the communication, the utility of the communication based on a cost and benefit of the communication to a contactor and a contactee, the cost and benefit of the communication is related to one or more preferences of the contactor and the contactee (abstract; figure 1 – web base system; 0007, 0008; 0016, 0027). At the time the invention was made, one of ordinary skill in the art would have been motivated to identify a communication channel that facilitates maximizing the utility of the communication based on cost and benefit in order to show that the communication arrangement is justified (Badura: abstract), thus maximizing the throughput of the system.

Delany also fails to explicitly disclose the membership of the group communicating parties being based at least in part on a reciprocated communication history between entities that comprise the group. McFadden teaches this limitation in col. 1, lines 24-46, col. 2, lines 15-23 and col. 5, lines 11-25. At the time the invention was made, one of ordinary skill in the art would have been motivated to incorporate the teaching of McFadden into the teachings of Delany in order to set criteria for identifying an individual member in the group.

Regarding claim 18, Delany teaches the system of claim 1, where the communication occurs between one or more contactors and one or more contactees and where the identifier comprises:

a processor [0016];

a preference resolver that analyzes a contactee preference data and a contactor preference data and produces a resolved preference data [0109];

a context analyzer that analyzes a contactee context data and a contactor context data and produces an analyzed context data [table 3]; and

a communication establisher that establishes a communication between the contactor and the contactee based, at least in part on the resolved preference data that analyzed context data communicating party selection data and the communication channel data [360].

However, Delany fails to explicitly teach a channel analyzer that analyzes one or more communication channels between a contactor and a contactee and produces a communication channel data. Badura teaches a channel analyzer that analyzes one or more communication channels between a contactor and a contactee and produces a communication channel data (abstract; figure 1 – web base system; 0007, 0008; 0016, 0027). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ a channel analyzer in order to show that the communication arrangement is justified (Badura: abstract), thus maximizing the throughput of the system.

Regarding claim 19, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether two or more communication parties are concurrently engaged in a related activity, or are likely to become concurrently engaged in a related activity [112].

Regarding claim 21, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether two or more communicating parties are concurrently processing one or more related documents, or are likely to concurrently process one or more related documents [112].

Regarding claim 23, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether two or more communicating parties are concurrently processing one or more related documents, or are likely to concurrently process one or more related documents [112].

Regarding claim 25, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether two or more communication parties are concurrently viewing one or more related documents, or are likely to concurrently view one or more related documents (figure 12).

Regarding claim 27, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether two or more communicating parties are concurrently engaged in a shared project, or are likely to become concurrently engaged in a shared project [211].

Regarding claim 29, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether two or more communicating parties are scheduled to communicate within a predefined period of time, or have communicated within a pre-determined period of time [308].

Regarding claim 31, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether two or more communicating parties are scheduled to meet within a pre-defined period of time, or have met within a pre-defined period of time [308].

Regarding claim 33, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether a communicating party has engaged in one or more pre-defined activities of interest within a pre-defined period of time, or is likely to engage in one or more pre-defined activities of interest within a pre-defined period of time [114].

Regarding claim 35, Delany teaches the system of claim 1, the utility optimization based at least in part upon whether a communicating party has purchased one or more pre-defined of interest, or has registered an interest in one or more pre-defined items of interest [114].

Regarding claim 37, Delany teaches the system of claim 1, the utility optimization based at least in part upon the degree to which a communicating party is trusted by one or more other communicating parties [485].

Regarding claim 38, although Delany fails to disclose the computation of an expected utility for the communication using the claimed formula, Applicant has admitted that this was an example of a Bayesian network probabilistic model (see specification page 8, line 25 to page 9, line 19), therefore this feature is known in the art.

Regarding claim 41, Delany teaches the system of claim 39, where a utility function employed to compute the utility of the communication is a combination of functions that separately consider at least one of the α and the benefit f of the communication to at least one of the contactor and contactee [403].

Regarding claim 42, Delany teaches the system of claim 39, where a utility function employed to compute the utility of the communication is a multi-linear combination of one or more weighted terms associated with at least one of the contactor and contactee (figure 26).

Regarding claim 46, Delany teaches the system of claim 1 where the group wise communication coordinator comprises: a group wise communication assembler that assembles the group communicating parties, and a group wise communication scheduler that schedules a time for the group communication that maximizes the utility of the communication [figures 3, 5, 8-10, abstract].

Regarding claim 47, Delany teaches the system of claim 46, where the group wise communication assembler identifies one or more group member classification required for the

group communication; identifies a minimal number of communicating parties from each of the one or more group member classification required for the group communication, and verifies that at least the minimal number of communicating parties from each of the one or more group member classifications are available for the group communication [abstract, 0011, 0016, 0039].

Claim 69 has similar limitation as claim 1, therefore is rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are not found persuasive.

In response to Applicant's argument that the cited areas in Delany is silent with regard to a communication group manager that manages a group of communicating parties to facilitate optimizing the utility of the communication along a communication channel identified by the identifier, and a groupwise communication coordinator that coordinates communication between a subset of the managed group of communicating parties to facilitate maximizing the utility of the communication, the PTO respectfully disagrees and submits that the above argument is taught by the *combined* references as cited above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA N. BOUTAH whose telephone number is (571)272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2154

/Alina N Boutah/

Examiner, Art Unit 2143/A. N. B./

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154